

R E M A R K S**I. Introduction**

Claims 1-46 are pending in the application. All pending claims stand rejected. In particular, (1) claim 44 stands rejected under 37 C.F.R. §1.75, as being a substantial duplicate of claim 43, (2) claims 1-30 and 32-46 stand rejected under 35 U.S.C. §102(b) as being anticipated by "Wireless personal area networks in telemedical environment", Jovanov et al., 9-10, November 2000 (hereinafter "Jovanov"), and (3) claim 31 stands rejected under 35 U.S.C. §103(a), as being unpatentable over Jovanov in view of U.S. Patent Application No. 2002/0026330 (hereinafter "Klein").

Upon entry of this amendment, which is respectfully requested, claims 18, 29, 33-34, and 43-35 will be cancelled without prejudice or disclaimer, claims 1, 10, 13, 21, 28, 32, 35-37, and 41-42 will be amended to more distinctly claim current embodiments, and new claims 47-50 will be added. No new matter is believed added by this amendment. Support for all amendments exists in the specification and claims as originally filed, and all such matter has previously been searched by the Examiner.

Applicants respectfully request reconsideration and further examination of the pending claims in view of the arguments presented herein and in accordance with 37 CFR §1.112.

A. Summary of Claimed Embodiments

According to some embodiments, a Personal Area Network (PAN) may be established to transmit signals through a patient's body. The PAN may, for example, transmit a patient identifier to a treatment device. The treatment device may then, according to some embodiments, utilize the patient identifier to provide the appropriate treatment to the patient. In such a manner, for example, patients may be automatically and uniquely identified and administered the proper medical treatment.

B. Summary of the Cited References**1. Jovanov**

Jovanov generally describes a system for remotely monitoring and/or medicating an individual. Jovanov describes, for example, utilizing a network local to a person to record

medical data and transmit the data to a server for processing (e.g., to determine if an emergency or other medical condition exists). Jovanov also describes receiving dosage data and medicating a patient in accordance with the data.

2. Klein

Klein generally describes a system to facilitate a patient's ingestion of medication. The Klein system, for example, reads a medication label and cross-checks the information with the proper treatment the patient requires. The Klein system may then notify the patient if the patient is about to take the wrong medicine.

II. The Examiner's Rejections

A. Rejection Under 37 C.F.R. §1.75 - Double Patenting

Claim 44 stands rejected as being a substantial duplicate of claim 43. Claim 44 is cancelled by this amendment.

B. Rejections Under 35 U.S.C. §102(b)

Claims 1-17, 19-28, 30, 32, 35-42, and 46 stand rejected under 35 U.S.C. §102(b) as being anticipated by Jovanov. Applicants respectfully traverse this ground for rejections as follows.

1. The references fails to teach or suggest *a personal area network associated with a patient, wherein said personal area network is generated by a transmitter adapted to transmit signals through said patient's body using electrical properties of said body, and wherein said personal area network is to transmit a patient identifier associated with said patient, wherein said patient identifier is a unique identifier assigned to identify said patient*

Claims 1-17, 19-28, 30, 32, 35-42, and 46 (as well as new claims 47-50) now generally recite *a personal area network associated with a patient, wherein said personal area network is generated by a transmitter adapted to **transmit signals through said patient's body** using electrical properties of said body, and wherein said personal area network is to transmit a patient identifier associated with said patient, **wherein said patient identifier is a unique***

identifier assigned to identify said patient. Applicants respectfully assert that the cited reference fails to teach, suggest, or render obvious embodiments as described in the amended pending claims.

Jovanov generally describes a Personal Area Network (PAN) as a compilation of Wireless Intelligent SENSors (WISE) that may be used to monitor a patient. (pg. 23). Jovanov does describe *potentially* utilizing the patient's clothing (e.g., "intelligent clothes") to implement the PAN, but does not describe transmitting signals through the patient's body. Nor does Jovanov describe utilizing the PAN to provide unique and/or appropriate patient treatment. Instead, Jovanov is directed to monitoring a patient to notify a doctor that may then provide treatment (presumably in a conventional manner) and/or to receive dosing information from a **uniquely identified sensor** and to give a patient wearing the dosing device the indicated amount of medication.

In contrast, currently claimed embodiments describe a PAN as a network generated within and/or through a patient's body. The PAN in currently claimed embodiments is also utilized to provide automated and appropriate treatment to **unique patients**, at least to reduce the likelihood that a patient may receive the wrong treatment. In other words, the term PAN as used in Jovanov does not coincide with the definition of the term PAN as recited in the pending claims (e.g., as amended). Nor does Jovanov describe **uniquely identifying patients** as recited in the pending claims.

Applicants therefore respectfully assert that the cited reference fails to anticipate (or render obvious) embodiments as recited in claims 1-17, 19-28, 30, 32, 35-42, and 46, at least because the cited references fail to teach or suggest *a personal area network associated with a patient, wherein said personal area network is generated by a transmitter adapted to **transmit signals through said patient's body** using electrical properties of said body, and wherein said personal area network is to transmit a patient identifier associated with said patient, wherein said patient identifier is a unique identifier assigned to identify said patient.*

Further, Applicants respectfully assert that there is simply no motivation in any of the cited references to modify any other cited reference to provide the claimed feature of *a personal area network associated with a patient, wherein said personal area network is generated by a transmitter adapted to **transmit signals through said patient's body** using electrical properties of said body, and wherein said personal area network is to transmit a patient identifier*

associated with said patient, wherein said patient identifier is a unique identifier assigned to identify said patient.

Applicants therefore respectfully request that §102(b) rejection of claims 1-17, 19-28, 30, 32, 35-42, and 46, be withdrawn.

C. Rejection Under 35 U.S.C. §103(a)

Claim 31 stands rejected under 35 U.S.C. §103(a), as being unpatentable over Jovanov in view of Klein. Applicants respectfully assert that claim 31 is patentable at least because it depends upon a patentable base claim.

Further, even if the combination of Jovanov and Klein taught or suggested the limitations of the claimed embodiments (which Applicants assert that it does not), the §103(a) rejection of the claim 31 would still be inappropriate because a *prima facie* case for obviousness has not been established. The Examiner has not, for example, pointed to a specific teaching in either Jovanov or Klein that would have motivated one skilled in the art to combine the alleged teachings.

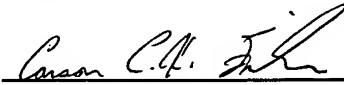
Applicants therefore respectfully request that the §103(a) rejection of claim 31, be withdrawn.

III. Conclusion

Accordingly, Applicants respectfully assert that each of the pending claims is patentable over the cited references. Applicants therefore respectfully request that all pending claims be allowed. Applicants' silence with respect to other comments made in the Office Action does not imply agreement with those comments. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at 203-972-4982.

Respectfully submitted,

March 22, 2005
Date



Carson C.K. Fincham
Reg. No. 54,096
Buckley, Maschoff & Talwalkar LLC
Five Elm Street
New Canaan, CT 06840
(203) 972-4982